



**The Commonwealth of Massachusetts**  
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**Division of Health Care Quality**  
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COMMISSIONER

**Circular Letter: DHCQ 06-11-468**

TO: Administrators, Long Term Care Facilities

FROM: Paul Dreyer, Ph.D., Associate Commissioner

RE: Long Term Care Facility Employee Flu Immunization Requirement

DATE: November 20, 2006

The purpose of this letter is to advise long term care facilities that the Department's Public Health Council approved emergency promulgation of amendments to the long term care facility (LTCF) licensure regulations at 105 CMR 150.000 at its November 14, 2006 meeting. The memorandum that was sent to the Public Health Council and the amendments are attached (Attachment A). Under the amendments, by December 15, 2007, and annually thereafter, LTCFs are required to offer all employees annual vaccination against the influenza virus. Facilities must also provide employees with information about the risks and benefits of the vaccine.

Unlike the routine process for regulatory amendments, through which amendments go into effect after a public hearing and comment period, final action by the Public Health Council and publication in the Massachusetts Register, emergency promulgation results in the amendments being in effect immediately. These amendments were promulgated on an emergency basis to provide facilities with timely notice in order to plan and order sufficient vaccine for the 2007-2008 flu season. Most influenza vaccine manufacturers and distributors prebook orders for influenza vaccine in February. Facilities should begin planning with their pharmacists now to purchase vaccine for their employees for the 2007-2008 influenza season. Alternatively, facilities may arrange for vaccination of facility employees by a third party, in which case facility ordering of vaccine would not be necessary. Because temporary employees are covered under the new regulations, facilities should also communicate this information to any agencies that provide staff to the facility so that temporary employees are appropriately vaccinated as well.

You will find helpful information about the flu vaccine, including the risks and benefits of getting the vaccine, on the Centers for Disease Control and Prevention's (CDC's) website at <http://www.cdc.gov/flu/protect/keyfacts.htm> . Masspro offers a free employee flu immunization campaign kit. The kit may be requested via the Masspro website at [www.massmed.org/flu\\_kit](http://www.massmed.org/flu_kit) or by telephone at (781) 890-0011. We are also attaching to this letter a sample employee flu vaccine declination form (Attachment B).

In order to facilitate disease control in the event of a flu outbreak, the Department's Immunization Program recommends that, in addition to the individual declination forms, facilities maintain a list of all employees who have declined flu vaccination. A sample of such a tracking form is attached (Attachment C). The Immunization Program is available to assist facilities at (617) 983-6800.

Although the amendments are in effect, the Department will conduct a public hearing and comment period and return to the Public Health Council for final promulgation within 90 days. If you have any questions, please contact Jill Mazzola, Assistant Director, at 617-753-8000.

Attachments:

- A. November 14 PHC Memorandum and Amendments
- B. Sample Influenza Vaccine Declination Form
- C. Sample Vaccination Declination Tracking Form